UNITED STATE DISTRICT COURT FOR THE DISTRICT OF VERMONT

JLD PROPERTIES OF ST. ALBANS, LLC Plaintiff)	
V.)	Case No. 2:20-CV-00134
PATRIOT INSURANCE COMPANY, Defendant)	
	_) ^	

DEFENDANT, PATRIOT INSRUANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

The Defendant, Patriot Insurance Company, hereby moves this Honorable Court, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss Plaintiff's Complaint, with prejudice, on the grounds that Plaintiff failed to state a claim upon which relief can be granted because:

- 1) The Complaint is time-barred pursuant to the two-year Suit Against Us limitation provision contained in the subject insurance policy; and
- 2) Plaintiff cannot bring Count II because there is no private right of civil action under 8 V.S.A. §§ 4723, 4724.

In further supports of this Motion, Defendant relies on the attached Memorandum of Law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7(a)(6), Defendant respectfully requests oral argument on this Motion.

Respectfully submitted, Defendant, Patriot Insurance Company By its attorneys,

/s/ John E. Brady

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DATED: October 16, 2020

CERTIFICATE OF SERVICE

I, John E. Brady, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ John E. Brady John E. Brady